

EXHIBIT 21

1 STATE OF WISCONSIN : CIRCUIT COURT : MANITOWOC COUNTY
2 BRANCH 1

3 STATE OF WISCONSIN,

4 PLAINTIFF,

JURY TRIAL

TRIAL - DAY 9

5 vs.

Case No. 05 CF 381

6 STEVEN A. AVERY,

7 DEFENDANT.

8 DATE: FEBRUARY 22, 2007

9 BEFORE: Hon. Patrick L. Willis
10 Circuit Court Judge

11 APPEARANCES: KENNETH R. KRATZ
Special Prosecutor
12 On behalf of the State of Wisconsin.

13 THOMAS J. FALLON
Special Prosecutor
14 On behalf of the State of Wisconsin.

15 NORMAN A. GAHN
Special Prosecutor
16 On behalf of the State of Wisconsin.

17 DEAN A. STRANG
Attorney at Law
18 On behalf of the Defendant.

19 JEROME F. BUTING
Attorney at Law
20 On behalf of the Defendant.

21 STEVEN A. AVERY
Defendant
22 Appeared in person.

23 TRANSCRIPT OF PROCEEDINGS

24 Reported by Diane Tesheneck, RPR

25 Official Court Reporter

1 Q. During that thorough search, did you have
2 occasion to search the bedroom of Mr. Avery's
3 trailer?
4 A. Yes, we did.
5 Q. And we have heard about a lot of that search, but
6 I'm specifically going to direct your attention
7 to the key and the finding of the key in that
8 bedroom. Do you recall how that occurred?
9 A. Yes, I do.
10 Q. Why don't you tell the jury how that occurred,
11 please.
12 A. We were concluding the search in the bedroom.
13 We, as Lieutenant Lenk, Sergeant Colborn and I.
14 I was mostly doing the photographing, and logging
15 in and packaging of evidence. However, I did
16 search the nightstand. I was sitting on the bed
17 and the nightstand was right there, so when I had
18 time between my duties, I would search the
19 nightstand. We were just wrapping up the search
20 and Lieutenant Lenk left the room to get some
21 more boxes for some of the things that we were
22 taking into evidence.
23 Sergeant Colborn was searching --
24 finishing up his search of an area on the east
25 wall, next to the bookcase. And I was sitting on

1 the bed near the nightstand. Lieutenant Lenk
2 came back into the room, stopped at the doorway,
3 pointed at the floor, just a couple of feet away
4 from where my feet were sitting on the floor, and
5 said there was a key there.

6 Q. I'm going to show you, just as you describe this,
7 Exhibit No. 210, ask if this image looks familiar
8 to you?

9 A. That's the key, that's where the key was sitting
10 when we found it.

11 Q. How far was this key away from you as you were
12 sitting on the bed?

13 A. Just a of couple feet.

14 Q. Had you seen that key, either before Lieutenant
15 Lenk left the room, or at any time actually prior
16 to Lieutenant Lenk's return?

17 A. No, I did not.

18 Q. Now, when Lieutenant Lenk said, there's a key,
19 where was he standing when he said that.

20 A. He was standing in the doorway.

21 Q. Had he gotten to that area yet when he said that?

22 A. No.

23 Q. I'm just going to ask you, Deputy Kucharski, were
24 you surprised to see that on the floor?

25 A. Yes.

1 Q. What happened after you saw that key on the
2 floor?
3 A. Lieutenant Lenk pointed out the key; we all
4 looked at it. We all decided it was a Toyota
5 emblem on it. Stopped all searching. I had
6 everybody stop the searching. Immediately took a
7 photograph of it. I had taken my gloves off to
8 finish up my -- tough to write and take pictures
9 with the rubber gloves on. So I had taken the
10 gloves off, so I put on a fresh pair of gloves. I
11 took out a new evidence bag out of the --
12 Q. Let me just stop you. A fresh pair of gloves,
13 does that mean that it had touched any other
14 pieces of evidence in that room?
15 A. No, it did not. It came directly out of the
16 package.
17 Q. All right. So you put fresh gloves on, what did
18 you do then?
19 A. I took a new evidence bag out of the stack of
20 bags, picked up the key with the -- with my
21 gloved hand, put it into the new evidence bag and
22 then I contacted the Command Post.
23 Q. Deputy Kucharski, the jury has already seen the
24 actual key, itself, but I'm going to show you
25 something that's been marked as Exhibit 219, can

1 the key. I think the only person that would have
2 had the key would be the person that killed
3 Teresa --

4 ATTORNEY BUTING: Objection, speculation.

5 THE COURT: Sustained.

6 ATTORNEY BUTING: Move to strike.

7 THE COURT: Court will order the answer
8 stricken.

9 Q. (By Attorney Kratz)~ I want you to limit your
10 comments to your observations. What about your
11 observations do you believe it was impossible or
12 improbable for them to plant that key?

13 A. My actual observations, I would have to say
14 that -- that it could be possible, as in I was
15 doing other things. I was taking photographs. I
16 was searching the nightstand. So, if we're just
17 limiting it to if it was possible that they could
18 do it without me seeing it, I would say, yes, I
19 guess it is possible.

20 Q. All right. And is that in the sense of anything
21 is possible?

22 A. That's in the sense of it's possible aliens put
23 it there, I guess.

24 Q. All right. And in that regard, though, Deputy
25 Kucharski, while you were working with these

STATE OF WISCONSIN)
) ss
COUNTY OF MANITOWOC)

I, Diane Tesheneck, Official Court Reporter for Circuit Court Branch 1 and the State of Wisconsin, do hereby certify that I reported the foregoing matter and that the foregoing transcript has been carefully prepared by me with my computerized stenographic notes as taken by me in machine shorthand, and by computer-assisted transcription thereafter transcribed, and that it is a true and correct transcript of the proceedings had in said matter to the best of my knowledge and ability.

Dated this 7th day of November, 2007.